

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Lawrence K. Connor,

Plaintiff,

vs.

Jo Anne B. Barnhart, Commissioner of  
Social Security,

Defendant.

No. CV 04-657-TUC-CKJ

**ORDER**

Pending before the Court is Plaintiff's Motion for Summary Judgment pertaining to the denial of disability benefits. Also pending before the Court is Defendant's Cross-Motion for Summary Judgment regarding the same denial of disability benefits.

United States Magistrate Judge Jacqueline Marshall issued a Report and Recommendation on March 31, 2006. In that Report and Recommendation, Magistrate Judge Marshall recommended denying Defendant's Cross-Motion for Summary Judgment, granting Plaintiff's Motion for Summary Judgment, and remanding the case to the ALJ for reconsideration consistent with the Report and Recommendation.

The Report and Recommendation indicated that any party could file written objections within ten days after being served with a copy of the Report and Recommendation. Copies of the Report and Recommendation were sent out to all parties on March 31, 2006. The

1 parties have not filed objections to the Report and Recommendation. As such, the Court will  
2 not consider any objections or new evidence.

3 The Court has reviewed the entire record and concludes that Magistrate Judge  
4 Marshall's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R.  
5 Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v.*  
6 *Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

7 Accordingly, IT IS HEREBY ORDERED as follows:

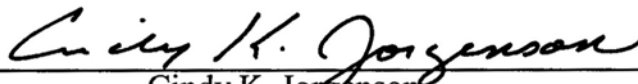
8 (1) United States Magistrate Judge Marshall's Report and Recommendation (Doc. #22) is  
9 **ACCEPTED AND ADOPTED.**

10 (2) Defendant's Cross-Motion for Summary Judgment (Doc. #14) is **DENIED.**

11 (3) Plaintiff's Motion for Summary Judgment (Doc. #12) is **GRANTED**, and this case is  
12 **REMANDED TO THE ALJ** for reconsideration consistent with the Report and  
13 Recommendation.

14 (4) The Clerk of the Court is directed to enter judgment accordingly and close the file  
15 in this matter.

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21 DATED this 4<sup>th</sup> day of May, 2006.

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25 Cindy K. Jorgenson  
26 United States District Judge  
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